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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/670,511

Applicant(s)

KINOSHITA, HARUHIKO

Examiner

ALAN LUONG

Art Unit

2427

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

The art unit is changed into 2427.

Response to Amendment

This Office Action is responsive to the Amendment filed on 09/ 30/ 2008.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims **1, 7, 10, 14, 16, 18-19 and 21** are rejected under 35 U.S.C. 102(e) as being anticipated by US App. 60/356827 by Kubler et al. (hereinafter Kubler).

Regarding to claim 1. Fig. 1, 2 of Kubler illustrate a system for displaying media content on a movie theatre movie-screen 11 in an auditorium; includes a **support server** [i.e. Data base 76] that **supports a determination of a route** [74] for **providing content via a communication network** [i.e. Internet 78] (**see Kubler, Fig. 1, page 1 lines 13-17**) from a **content providing terminal** [stakeholders 70 through a website at clearinghouse 72] that **provides a content** (i.e. movie files, Advertisements) to a **content user terminal** [i.e. movie screen 11] that is placed in a **facility** (i.e. an auditorium) where the content is to be used (**Kubler, page 4 lines 19-30**) comprising:

In theatre Controller 14 as **a receiving unit that receives, from the Content providing terminal** as stakeholders 70 through a website at clearinghouse 72, **facility condition information** (i.e. an auditorium must has movie-theatre screen, projector type, patron sensor seat etc...) that shows at least **one condition to be met by a facility where the content is to be used** (i.e. this auditorium must has a digital projector 10 is able to project onto screen 11 an image with sufficient resolution, brightness various data and video signals in several aspect ratios as desired); (**see page 1 lines 4-6**) and (this auditorium has quiz system 20 and Advertisement management system 30 include Quiz and Advertisement business rules; (**see page 2 lines 1-27**) and **that receives a plurality of facility information** as ticket sale of Box office 64, snack sale of POS 62, advertisement of 30 etc., from **content user terminals** [14] as Box office 64, POS 62, Ads 30, movie theatre screen 11 etc.. , via **the communication network 78; (Kubler, page 4 lines 20-34)**

The POS 62 and Box Office 64 as **a storing unit** that stores the facility condition information and the plurality of facility information, received by said receiving unit (**Kubler, page 2 line 36- page 3 line 18**); and

Stakeholders, **a providing destination selecting unit**; including the theater corporation, receive up to the minute status reports of concession sales broken down into time increments as collected by POS 62, attendance receipts from the box office 64, patron demographics from quiz answers 58, and logs of the advertisements actually displayed at the theaters and the time of display, advertisement, promotion and sales event information; **extracts information that specifies a facility selected based at**

least on a determination that information (i.e. theatre corporation requires ticket sale of movie to be met) (see page 4 line 29-page 5 line 8), **included in the stored facility information regarding said facility** meets the at least one condition shown by the facility condition information (i.e. In Fig. 5 illustrates an electronic sensor 67 which permits the detection of a patron in a seat, it shows how many seats are occupied then compares to ticket sales or Box office receipts) (Kubler, page 6 lines 32-37), from the plurality of facility information stored in said storing unit, and selects a content user terminal (i.e. movie provider only interested in having these programs shown to the largest potential audience at the selected auditorium), placed at the facility specified by the extracted information, as the providing destination of the content. (Kubler, page 4 line 29- 34 and line 49 to page 5 line 8);

Regarding to claim 7: Fig. 1, 2 of Kubler illustrate a system for displaying media content on a movie theatre movie-screen 11 in an auditorium; includes a support server [i.e. Data base 76] that supports a determination of a route [74] for providing content via a communication network [i.e. Internet 78] (Fig. 1, page 1 lines 13-17) from a content providing terminal [stakeholders 70 through a website at clearinghouse 72] that provides a content (i.e. movie files, Advertisements) to a content user terminal [i.e. movie screen 11] that is placed in a facility (i.e. an auditorium) where the content is to be used (Kubler, page 4 lines 19-30) comprising: In theatre Controller 14 as a receiving unit that receives a plurality of content information (i.e. media, images and data are contained in database 76), from the Content providing terminal 70 over Internet 78, and that receives content condition

information (MPAA rating movie is required by Quiz business and Advertisement business rules) **from said content user terminal** (i.e. an auditorium with sensor seats) that shows at least **one condition to be met by a content that is to be a target** to be used in the facility (i.e. correct ticket must be keep track by sensor of patron seat in order to verify appropriate patron with MPAA rating require) via the communication network 40; (**Kubler, page 1 lines 30-42 and page 3 lines 29-page 4 line 6**), In theatre Controller 14 communicates with Box office 64, POS 62 as a **storing unit that stores the content condition information** (i.e. Ticket sale of movie; snack sale during that movie at show time); (**Kubler, page 2 line 37-page 3 line 18 and page 4 lines 29-39**) and data base 76 stores the **plurality of content information**, received by said receiving unit 14;(**Kubler, page 4 lines 20-24**); and Electronic Signage Unit 66 is a **providing content selecting unit** that **extracts information** (i.e. content must be qualified by Quiz business rule 50 or Advertisement business rule 52) that **specifies a content selected based at least on a determination** (i.e. movie ticket sale is met) **that information included in the stored content information regarding said content meets the at least one condition** (i.e. ticket must be corrected by business rule 50 or 52) shown by **the content condition information** (i.e. MPAA rating movie) from the plurality of content information stored in said storing unit, and the Unit 66 **selects the content specified by the extracted information** as the content to provide to said content user terminal ;(**Kubler, page 3 line 20- page 4 line 6**);

Regarding to claim 10: A support method that supports all features of claim 1; so, claim 10 is anticipated by Kubler and has the same ground rejection as claim 1.

Regarding to claim 14: A support method that supports all features of claim 7; so, claim 14 is anticipated by Kubler and has the same ground rejection as claim 7.

Regarding to claim 16: A tangible computer readable medium having computer instructions for enabling a computer executing the computer instructions to perform a support method program that supports the same method in claim 1. So, claim 16 has the same ground rejection of claim 1.

Regarding to claim 18: A tangible computer readable medium having computer instructions for enabling a computer executing the computer instructions to perform a support method that supports the same method in claim 7. So, claim 18 has the same ground rejection of claim 7.

Regarding to claim 19: same limitation of claim 1, so claim 19 is rejected with the same ground rejection of claim 1.

Regarding to claim 21: same limitation of claim 7, so claim 21 is rejected with the same ground rejection of claim 7.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims **2- 6, 8-9, 11-13, 15, 17 and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kubler et al.; in view of US Pub. 2002/0138832 by Svoboda.

Regarding to claim 2. The support server according to claim 1, Kubler discloses wherein: said receiving unit receives, from said content providing terminal, **advertising agent condition information** (i.e. advertisement business rules; **Kubler, page 2 lines 3-6 and page 3 lines 29-page 4 line 6**) that **shows at least one condition** to be met by an advertising agent [30] from which advertisement of the content is to be requested (i.e. patrons may enjoy a specific genre of movies and the next coming attraction is added into the advertisement loop being shown under control of communication system 16 and loop management system 18. (**Kubler, page 3 lines 6-18**), and that **receives a plurality of advertising agent information from advertising agent terminals** managed by **advertising agents that advertise contents**, said advertising agent information showing **an advertisement ability of the advertising agents**;

However, Kubler is unclear regarding "storing unit stores the advertising agent condition information and the plurality of advertising agent information, which said receiving unit received; and said support server further comprises an advertising agent selecting unit that extracts information that specifies an advertising agent that meets the at least one condition shown by the advertising agent condition information, from the plurality of advertising agent information stored in the storing unit, and selects the advertising agent

specified by the extracted information as the advertising agent from which advertisement of the content is to be requested.

In an analogous art directed toward a similar problem namely improving the results from advertising in the theatres. Fig. 1 of Svoboda illustrates an Advertisement Server [110] includes Database [120] of advertisements to be selected from the group consisting of: (1) static, (2) picture-in-picture, (3) audio, (4) animation, multi-segment and (6) full-motion video clips)(Svoboda, ¶¶0021-¶¶0022, ¶¶0026) **an advertising agent** (i.e. advertiser of theatre 150) that **receives a plurality of advertising agent information** (i.e. Advertisement 125 to be selected one of (1) time of day, (2) day of week, (3) season, (4) movie screen sizes in the theatres and (5) ratings of motion pictures playing in the theatres) **from advertising agent terminals** (i.e. Advertisement Server 110) **managed by advertising agents that advertise contents** on display 140 of movie-theatre 150 based on the type of audience expected for particular movie; (Svoboda, ¶¶0029); said advertising agent information showing **an advertisement ability of the advertising agents** (i.e. local insurance company, True Value hardware store in Fig. 2A-2C, a NASCAR in Fig. 2D; Maytag repairman logo in Fig. 2J; Car Dealership in Figs. 2K-2M...etc); (Svoboda, ¶¶0031-¶¶0035), Advertisement storage 145 as **said storing unit stores the advertising agent condition information and the plurality of advertising agent information**, which said receiving unit received-(Fig. 1, ¶¶0027); and **said support server further comprises** the distribution controller 160 as an **advertising agent selecting unit** that extracts information that specifies an

advertising agent (who operates at Advertisement Server 110) selected ones of the advertisements 125 to be communicated from the advertising server 110 that meets the at least one condition shown by **the advertising agent condition information** (i.e. based on: (1) time of day, (2) day of week, (3) season, (4) movie screen sizes in the theatres and (5) ratings of motion pictures playing in the theatres.), from the plurality of advertising agent information stored in the storing unit the distribution controller 160, (Svoboda, ¶0029),

and **selects the advertising agent specified by the extracted information as the advertising agent from which advertisement of the content is to be requested** (i.e. the distribution controller 160 includes a reporting module 170 that maintains a distribution history for the selected ones of the advertisements 125. This type of information is invaluable to theatre owners selling advertisements 125 as well as the purchasing advertiser. (Svoboda, ¶0030). Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention was made to modify a support server of Kubler with multimedia advertising in theatres as taught by Svoboda; in order to provide a system for distributing advertising to movie theatres and showing such advertising to the theatre's patrons and a method of operating such system. (Svoboda, ¶0010).

Regarding to claim 3. The support server according to claim 2, Kubler also discloses wherein said **content is film data used for running a film** (Kubler, page 4 lines 15-17)

Regarding to claim 4. Fig. 2 of Kubler illustrates a system for displaying media content on a movie theatre movie-screen 11 in an auditorium; includes a **support server** [i.e. Data base 76] that **supports a determination of a route** [74] for **providing content** via a **communication network** [i.e. Internet 78] (**Fig. 1, page 1 lines 13-17**) from a **content providing terminal** [stakeholders 70 through a website at clearinghouse 72] that **provides a content** (i.e. movie files, Advertisements) to a **content user terminal** [i.e. movie screen 11] that is placed in a **facility** (i.e. an auditorium) where the content is to be used (**Kubler, page 4 lines 19-30**) comprising:

In theatre Controller 14 as a **receiving unit that receives a plurality of content information** from **content providing terminals** (i.e. content databases 76 that contain media, images and data for use in all the projection and display components.) (**Kubler, page 4 lines 19-30**) and that **receives from an advertising agent terminal** (30) managed by the advertising agent that **advertises a content** (i.e. upcoming attraction is added in the advertisement loop, patrons may enjoy a specific genre of movies and the next coming attraction being shown under control of communication system 16 and loop management system 18. This advertisement is processed by the projector control system 24 to be sent to the digital projector 10 via the input connection 12 for display onto the screen in an auditorium.) via the communication network [40]; (**page 3 lines 6-18**).

an advertisement target content selecting unit [14] that extracts information that

specifies a content (i.e. the In -Theater Controller 14 to optimally select and present advertisements relevant to the genre, audience and inputs gathered by the In -Theater Controller 14 from various databases and sensors) **(page 3 lines 8-12)**, selected based at least on a determination that information included in the stored content information regarding said content meets the at least **one condition** (i.e. based on MPAA Rating movie; correct Ticket needs to be purchased for a specific showing of a movie) shown by the **content condition information** (i.e. Ticket for R Rated movie can not sold to a person under 18 yrs old; and enforce to check ID when get in the theater), from the plurality of content information stored in said storing unit (**Kubler, page 3 lines 29-45**), and **selects the content specified by the extracted information** (i.e. movie trailer with main feature of movie. This advertisement is processed by the projector control system 116 to be sent to the digital projector 38 via the input connection 104 for display onto the screen in an auditorium) **as the content to be advertised by the advertising agent; (page 3 lines 6-18).**

However, Kubler fails to teach content condition information that shows at least one condition to be met by a content that is to be an advertising target of an advertising agent and a storing unit that stores the plurality of content information and the content condition information, received by said receiving unit.

In an analogous art directed toward a similar problem namely improving the results from advertising in the movie-theatres. Fig. 1 of Svoboda illustrates an Advertisement Server [110] includes Database [120] and local theatre 150 includes **a storing unit** [145] that stores the plurality of content information (i.e. local and national Ads 125) and the

content condition information The **content condition information** as (1) static, (2) picture-in-picture, (3) audio, (4) animation, multi-segment and (6) full-motion video clips; (i.e. Ads presents in .a slide format with a musical background, until the previews of coming attractions start received by said receiving unit. (If movie patrons are paying more attention to the advertising, it also may makes it easier to sell advertising to local businesses at a larger fee and the plurality of displays 140 associated with the theatres 150, include video projectors adapted to display advertisements 125 on corresponding movie screens, these multi-media presentation serves to increase the value of theatre 150 advertising 125 to both theatre 150 owners and theatre 150 advertisers" that shows at least **one condition to be met by a content** that is to be **an advertising target of an advertising agent**.(Svoboda, ¶¶0021-¶¶0026), Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention was made to modify a support server of Kubler with multimedia advertising in theatres as taught by Svoboda; in order to provide a system for distributing advertising to movie theatres and showing such advertising to the theatre's patrons and a method of operating such system. (Svoboda, ¶¶0010).

Regarding to claim 5. Kubler and Svoboda teach all limitation of the support server according to claim 4, wherein:
said receiving unit receives facility condition information from said advertising agent terminal that **shows at least one condition to be met by a facility** (i.e. A digital projector 10 is able to project onto screen 11 an image with sufficient resolution, brightness various data and video signals in several aspect ratios as desired; **Kubler**

page 1 lines 4-6) to be met by a facility (i.e. auditorium includes display screen 11) **where the advertised content [125] is to be used** (i.e. video projectors adapted to display advertisements 125 on corresponding movie screens, these multi-media presentation serves to increase the value of theatre 150 advertising 125 to both theatre 150 owners and theatre 150 advertisers;(Svoboda, ¶0026) **and that receives a plurality of facility information** (i.e. ticket sale of Box office 64, snack sale of POS 62, advertisement of 30 etc.) **from content user terminals** [i.e. movie theatre screen 11] , via the communication network 40; (Kubler, page 1 line 1-page 2 line 35) and

said storing unit **stores the facility condition information and the plurality of facility information**, which said receiving unit received; (i.e. The POS 62, Box Office 64 as a **storing unit** that stores the facility condition information and the plurality of facility information, received by said receiving unit; (Kubler, page 2 line 36- page 3 line 18); Finally, Kubler further teaches "Stakeholders, **a providing destination selecting unit**, including the theater corporation, receive up to the minute status reports of concession sales broken down into time increments as collected by POS 160, attendance receipts from the box office, patron demographics from quiz answers 150, and logs of the advertisements actually displayed at the theaters and the time of display, advertisement, promotion and sales event information; using these information that **extracts information that specifies a facility (page 4 line 34-page 5 line 8), selected based at least on a determination that information** (i.e. ticket sale of movie to be met) **included in the stored facility information regarding said facility meets the at**

least one condition shown by the facility condition information (i.e. In Fig. 5 illustrates an electronic sensor 67 which permits the detection of a patron in a seat, it shows how many seats are occupied then compares to ticket sales or Box office receipts) **(Kubler, page 6 lines 32-37)**, from the **plurality of facility information stored in said storing unit**, and **selects a content user terminal** (i.e. movie provider only interested in having these programs shown to the largest potential audience at the selected auditorium), **placed at the facility specified by the extracted information, as the providing destination of the content.** **(Kubler, page 4 line 39- page 5 line 8);**

Regarding to claim 6: The support server according to claim 5, Kubler also discloses wherein said **content is film data used for running a film** **(Kubler, page 4 lines 15-17)**

Regarding to claim 8: Kubler teaches all limitations of the support server according to claim 7, and claim 8 merely repeats the same limitation of claim 2, therefore, claim 8 is anticipated by Kubler and Svoboda, claim 8 is rejected the same ground as claim 2.

Regarding to claim 9: The support server according to claim 8, Kubler also discloses wherein said **content is film data used for running a film** **(Kubler, page 4 lines 15-17).**

Regarding to claim 11: same limitation of claim 2, so claim 11 is rejected with the same ground rejection of claim 2.

Regarding to claim 12: same limitation of claim 4, so claim 12 is rejected with the same ground rejection of claim 4.

Regarding to claim 13: same limitation of claim 5, so claim 13 is rejected with the same ground rejection of claim 5.

Regarding to claim 15: same limitation of claim 8, so claim 15 is rejected with the same ground rejection of claim 8..

Regarding to claim 17: A tangible computer readable medium having computer instructions for enabling a computer executing the computer instructions to perform a support method that supports the same method in claim 4. So, claim 17 has the same ground rejection of claim 4.

Regarding to claim 20: same limitation of claim 4, so claim 20 is rejected with the same ground rejection of claim 4.

Response to Arguments

5. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALAN LUONG whose telephone number is (571)270-5091. The examiner can normally be reached on Mon.-Thurs., 8:00am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason P Salce/
Primary Examiner, Art Unit 2421

01/02/2009

/ALAN LUONG/
Examiner, Art Unit 2427